

Remarks

Claims 1 -10, 12 -15 and 18-22 are now pending in this application for which applicant seeks reconsideration. Claims 1, 8, 12, 14 and 15 have been amended in order to clarify the language of the claims. Claim 5 has been amended to place the claim in independent form. New claims 19-23 have been added to further claim the disclosed features of the invention. Claims 11, 16 and 17 have been cancelled.

Applicants note the Office Action Summary indicates claims 1-15 as being rejected. The examiner, however, has failed to cite any rejection against claims 5, 6 and 15. Accordingly, applicants submit claims 5, 6 and 15 should have been indicated as allowed or allowable instead of rejected. With claim 5 rewritten as an independent claim, claims 5, 6 and 15 should be in condition for allowance.

The examiner has noted a reference was cited in the specification, but was not submitted in a formal Information Disclosure Statement (IDS). Applicants cited the reference as general background material. However, so that the examiner may indicate the reference as formally considered on the record, applicants have filed an IDS concurrent with the filing of this amendment.

The examiner has raised an objection the drawings. Applicants append hereto a revised copy of Figs. 1 and 2 in which the reference numeral 12F has been deleted. Withdrawal of the objection to the drawings is respectfully requested.

Claims 1-4 and 14 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Winter (US Patent No. 5,160,805.) Regarding claims 1 and 14, the examiner has interpreted the phrase "rotatably joined" as joined by a screw-like connection. Applicants respectfully traverse the rejection.

The term "rotatably joined" is intended to convey that two elements can rotate with respect to one another when joined together. One of ordinary skill in the art would readily recognize the meaning of the term from the detailed description of the preferred embodiments and the accompanying drawings. In contrast, Winter discloses a projectile 1 including a core 2 that is screwed into a jacket 3 via deformed portions (threads) 6. Once screwed in and "positively interconnected", the core 2 cannot rotate with respect to the jacket 3. The examiner is attempting to interpret the act of screwing the two parts together as being "rotatably joined". The examiner is reminded that applicants are entitled to be their own lexicographer. In the instant case, the term as defined by the applicants is clearly understandable to one skilled in the art as

opposed to the interpretation given by the examiner. Winter fails to disclose two parts rotatably joined. Accordingly, the reference cannot anticipate claims 1-4 and 14.

Claims 11-7 and 14 stand rejected under 35 U.S.C. §102(b) as being clearly anticipated by Denis (US Patent No. 4,977,834.) Applicants respectfully traverse the rejection.

Denis, like Winter, fails to disclose two portions that are rotatably joined. The examiner refers to the use of the grooves 12 in Denis which serve as anti-recoil engaging means for the projectile. Specifically, upon firing the projectile, the grooves 12 allow the frusto-conical projection 14 to screw into the external element 6 until stopped by the tapered part 15. Once screwed together, the projection 14 and element 6 form a single unit that rotates together when it impacts a target. Accordingly, Denis fails to disclose two portions that are rotatably joined to each other to allow the first portion and the second portion to rotate relative to each other at different rotational velocities when fired and until the projectile impacts a target. Thus, Denis fails to anticipate claims 11-7 and 14.

Claims 8-10 stand rejected under 35 U.S.C. §102(b) as being anticipated by Blanco (U.S. Patent No. 4,301,733). Applicants respectfully traverse the rejection.

Blanco fails to disclose front and rear portions that are rotatably joined to each other to allow the first portion and the second portion to rotate relative to each other at different rotational velocities when fired and until the projectile impacts a target as claimed. Accordingly, Blanco cannot anticipate claims 8-10.

Claims 12 and 13 stand rejected under 35 U.S.C. 103(a) as being obvious in view of Blanco. The examiner states that Blanco does not expressly disclose the front and rear portions being rotatable connected, but there would be nothing to prevent the parts from rotating. Applicants respectfully traverse the rejection.

The examiner is engaged in pure hindsight speculation. There is nothing in Blanco to suggest the two parts be rotatably connected or joined. Further, the argument presented by the examiner appears to be one of "inherency" rather than obviousness. The examiner is reminded that "inherency" is relative only to a rejection based on anticipation and not obviousness. Applicants further note there is no suggestion or teaching in Blanco to provide for rotatably joined or connected parts that would allow the parts to rotate at different rotational velocities after being fired and until the projectile reaches its target as claimed. Accordingly, the single Blanco reference cannot render the claims obvious.

Claims 18-22 have been added to specifically claim the disclosed embodiment in which a bearing is used to rotatably join or connect two portions of a projectile. The use of a bearing is neither disclosed nor suggested in any of the references of record.

In view of the above, all of the claims in this case are believed to be in condition for allowance notice of which is respectfully urged. The examiner, however, may contact the undersigned by telephone should any minor issue remain outstanding after entry of this amendment.

Respectfully submitted,

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DATE

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